

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.17890 OF 2023
IN
FIRST APPEAL NO.1010 OF 2023**

Yashodha Suresh Naik & Ors.Applicants

V/s.

Cholamandalam Ms Gen Ins. Co. Ltd.Respondent

Ms.Rina Kundu, for Applicant Nos.1 to 5.

Mr.Sarthak S. Diwan, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th DECEMBER 2023

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P.C:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submit that, the deceased was only earning member of Applicant's family. The Applicant's needs the amount for their daily expenses. They are facing starvation as there is no source of income. Hence, requested to allow the Application.

3. The learned counsel for the Respondent-Insurance Company has objected to allow the Application on the ground

that, accident was occurred due to sole negligence of the driver of the motorcycle, on which deceased was pillion rider. But this fact was not considered by the Tribunal. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The deceased was only earning member of the family, the Applicants needs the amount for their daily expenses. They have no source of income. Hence, I pass following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw 30% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)